

When act to take effect. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1871.

CHAPTER LVII.

An Act providing for proceedings in the District Courts of this State, to quiet and perfect Titles to Real Estate, sold by Executors, Administrators and Guardians.

March 4, 1871.

- SECTION 1. Defects and irregularities in the sale of Estates by Guardians, how rectified.
2. Upon parties making application for such relief the Court may examine or appoint a referee—for what purpose.
 3. The Court to appoint a time and place for the hearing of said report—publication of notice—all parties interested required to be present.
 4. In case notice not served no hearing to be had—in what cases publication of notice deemed sufficient service.
 5. Upon satisfactory evidence the Court may issue order confirming such sale.
 6. Persons aggrieved may appeal to the Supreme Court.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever a sale of real estate or any interest therein has heretofore been made by any administrator, executor, or guardian in good faith, and the purchase money in fact paid, and any defects or irregularities have occurred in proceedings touching such sale, which did not render such sale absolutely void, such defects and irregularities may be rectified and the sale confirmed by the district court of the county where such real estate or some part thereof is situated, in the manner provided in this act. *Provided*, That the provisions of this act shall not apply to sales of property heretofore made by executors, administrators, or guardians who have been removed by order of the probate court, or whose appointment has

Defects and irregularities how rectified.

been declared illegal, or is now being contested or litigated.

SEC. 2. Any person interested in such real estate may make application to the district court for the relief provided for in this act, which application shall set forth a description of the real estate, the date of the sale, the defects or irregularities claimed to exist, and the name and residence, if known, of every person interested in such real estate, and thereupon the court may examine or appoint a referee to examine and report touching the facts alleged in such application, and the fact of the good faith of such sale.

Duty of court upon application for relief—for what purpose.

SEC. 3. Upon such examination, or coming in of the report of the referee, the court may by an order appoint a time and place for hearing such application, and shall direct that a notice of such application and the time and place appointed for hearing the same, be published for six weeks successively in some newspaper to be designated in the order, published at the capital of the State, and also for the same length of time in some newspaper designated in the order, published in the county where such real estate is situated, or some part thereof—if there be one—and that a copy of the application and order be served personally upon every person interested in the real estate, if a resident of this state, in such manner as summons in the district court are served, or if residing out of this state and their place of residence is known, that a copy of such application and order be served by depositing the same in the post office enclosed in an envelope securely sealed, and directed to each of such persons at their places of residence respectively, and the postage required by law paid thereon. The order shall require all persons interested in the real estate to appear before the court at the time and place so fixed, and show cause, if any exists, why such application should not be granted.

Time and place to be appointed for hearing—publication of notice—parties interested required to be present.

SEC. 4. No hearing shall be had upon such application until it shall be made to appear to the court by satisfactory proof that the application and order have been served and notice published as required by this act at least twenty days prior to such hearing, and in all cases before making any order for such service by depositing the same in the post office, as herein provided for, it shall be made to appear to the court by satisfactory proof, that the persons so to be served reside out of this state. *Pro-*

When hearing not to be had—when notice of publication deemed sufficient service.

vided, That it shall in like manner appear that such persons place of residence is unknown, and cannot with reasonable diligence be ascertained, the publication of notice as provided in this act shall be deemed sufficient service as to such persons.

MAY issue order confirming such sale—when.

SEC. 5. If upon the hearing of such application, and the examination of the proceedings, it shall appear to the satisfaction of the court that the purchase moneys were paid to the administrators, executors or guardians in good faith, and that no intention existed by the purchaser at the administrator's, executor's, or guardian's sale, to defraud or injure the heirs or devisees, the court may make an order or judgment confirming such sale, on such terms as it shall deem equitable, and such sale shall from that time be confirmed and valid, according to the terms of the order or judgment, and the court may in its discretion order any further conveyance or assurance of title, and the order or judgment of the court shall be sufficient to pass the title to such real estate, and may be recorded in the office of register of deeds.

Remedy of persons aggrieved.

SEC. 6. Any party aggrieved by any order or judgment made by the district court, may appeal to the supreme court in the same manner and within the same time as in civil actions, and on such appeal the supreme court may reverse, affirm or modify any order or judgment of the district court in any respect, and pass upon the equities involved in the application to the same extent as the district court.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

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